

TESTIMONY OF BILL HAAS

SERVICE INFORMATION AVAILABILITY NPRM

ANN ARBOR, MICHIGAN

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My name is Bill Haas. I am the Mechanical Division Manager for the Automotive Service Association (ASA). ASA is the oldest and largest automotive repair association in the United States. We represent both mechanical and collision independent repairers. ASA is headquartered in Bedford, Texas.

I have an extensive background in automotive repair. I completed a two-year automotive mechanics co-operative program while in high school. I have served as a technician, repair shop manager, parts counterman, instructor and owner. I also have completed my Accredited Automotive Manager (AAM) designation from the Automotive Management Institute (AMI) and have been ASE certified since 1976. I have served as chairman of the automotive technology advisory committee at Fox Valley Technical College in Wisconsin, chairman of the Fox Cities Alliance for Education Automotive Technology Youth Apprenticeship Program and participated in ASE test-writing workshops for manual transmissions and drive axles.

This morning I want to present comments on what our Association believes is the most important issue for independent repair facilities in our lifetime. The guidelines for information availability will determine the future of the independent automotive repair industry. What we determined to be of minimal concern for repairers several years ago has now become our number one priority. In a recent survey of mechanical repair facilities around the country by ASA, we determined that repair facilities are turning away 10 percent of the vehicles brought to our businesses because we do not have the service information to repair the vehicle. This compares with 1 percent in a similar survey prior

to 1996. It has reached the point that some repair facilities have begun to post signs in their reception areas stating that they cannot repair certain makes of vehicles. This is a result of repeated problems in obtaining service information on that particular make of vehicle. We appreciate the U.S. Environmental Protection Agency's efforts to assure the independent repairer an opportunity for survival and consumers a legitimate, competitive choice in the marketplace.

In August of 1995 when EPA finalized their service information rule, ASA was pleased with the regulation. After a very divisive Clean Air Act Amendments of 1990 legislative debate and a lengthy regulatory process, we believed that we were set to succeed in a free marketplace for the future. This clearly has not been the case.

The mechanism or structure for disseminating information has been a dismal failure from our perspective. The problems with the quality and extent of information available has been documented by our repairers for years. I know you have heard the debate of whether the issue is information accessibility or availability. We believe that the law is clear on independent repair information availability. Policymakers in the U.S. Congress debated this issue at length and determined that the aftermarket was an essential piece in the American economy and important to American consumers.

In the 1995 final rule, "reasonable cost" was discussed in great detail. We believed that was important in 1995 and it is important today. Finally, ASA was concerned in 1995 with the extent emissions systems would encroach on non-emissions

areas of the vehicle. We now believe our fears were justified. EPA has made it very clear that the new rule cannot address non-emissions systems. We do ask that you pursue the emissions related information to the fullest extent of the law. The non-emissions issues will have to be more fully addressed in a separate forum but I would be remiss if I did not mention how critical this piece is to the aftermarket's future. We stress today that the rule must be protective of information related to systems that might be developed in years to come. The rule has to be inclusive not exclusive. If it becomes too narrow in detailing information to be made available by the original equipment manufacturers, we believe we will find ourselves back at the Agency, the Congress or state legislatures. We recommend that language be incorporated in the rule that allows the Administrator to protect independent repairers from technological changes of the future. The Administrator should not be forced to wait until an issue has become so insurmountable that EPA would have to go back to a formal rulemaking process. Language that allows the Administrator to enforce OEM compliance for any "relevant" information would go a long way to protect the independent repairers.

We believe that the current system of service information availability does not work today and lays the groundwork for the destruction of our industry in years to come. The finalization of a workable rule is critical. ASA believes that this rule is a step in the right direction. We support this proposed rule. But, unlike the past, it has to be enforced.

I would like to point out several areas we recommend for changes in EPA's proposal.

In your discussion of the anti-theft systems, you state “We believe that an emissions-related repair cannot be considered complete if the owner is not able to drive the vehicle away from the repair shop.” This statement is very important. Although the security of an anti-theft system is essential, we would like EPA to be more specific about how repairers can obtain anti-theft information and the timeliness of receiving that information. If this information is protected to the degree that repairers cannot immediately obtain the information, then a “same day as the request” response must be put in place by EPA.

We support other members of the aftermarket in efforts to increase the length of time service information is placed on the websites. EPA has proposed a minimum of 15 years. We would all agree that Americans are driving their vehicles much longer today than at any point in American history. Increasing this to a 20-year minimum should not be problematic and would provide for even more sophisticated and better-structured vehicles of the future.

In your analysis of the information costs, you fail to recognize that we still have to purchase non-emissions information. Your cost proposal is too high. For short-term access, we propose a \$1 per day maximum.

For the mid-term access, we propose a maximum of \$30.

For long-term access, we support a cap of \$365.

We believe these are fair and reasonable. The costs we have to pay information providers are significant portions of our overhead. You are placing additional cost burdens with this new system. Please limit this burden as much as possible. If it is not limited, it could be used as a tool to diminish the role of the aftermarket.

The language has to be clear that this structure applies to all models, all years.

Third party information providers are an integral part of the independent repair community. We believe the language could be stronger in establishing mechanisms for them to acquire the information particularly when it relates to a web site.

We appreciate the interest EPA has shown in the aftermarket's access to training. This is an important issue and will impact other areas, specifically inspection and maintenance programs. With the onslaught of new I&M programs, inadequate training will produce problems far and beyond what the industry and the Agency faced in the 1990's.

In its reprogramming requirements, EPA mentioned that all but one manufacturer satisfied the reprogramming requirement. We believe this is inaccurate and there were more than one that have not supplied independents with the same opportunities as the franchised dealerships.

As for the price of scan tools being "fair and reasonable", our concern is that the marketplace does not reflect such at this time. The information and tools available from

some manufacturers are prohibitive for all but the largest specialty repairers. Please elaborate more in the rule on “fair and reasonable”. We believe it would be entirely appropriate for the Agency to discuss at length expectations for maintaining consumer choice and repair facilities that don’t necessarily specialize in any make vehicle. For these repairers to survive, tools and service information costs will have to be reasonable.

Generally, the web sites must have some minimal standards. We cannot subject these small businesspersons to the quality of a Fed World or other such effort. If repairers find the web sites unfriendly from a time or quality perspective, they will not be able to use them and it will render this regulatory process useless.

The requirement that the aftermarket receive the information within 3 months of model year introduction is essential.

We support the proposed rule and appreciate your consideration of our suggestions. We look forward to working EPA as you advance the rule.

Thank you.